

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X	
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CONROY HIBBERT, JR.,	:	
	:	
	Plaintiff, :	1:22-cv-8257-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
THE CITY OF NEW YORK,	:	
	:	
	Defendant. :	
	:	
	X	
GREGORY H. WOODS, United States Judge:		

The Court has received Plaintiff's February 14, 2023 letter, in which he names two new defendants whom the Court understands to be names and addresses of individuals, provided by the New York Law Department, who are the John Doe defendants in Plaintiff's original complaint. Dkt. No. 17. The Court thanks Plaintiff for his submission, which is much appreciated. However, Plaintiff has been directed to not just to provide the names and addresses of these individuals but—if he wishes—to “*file an amended complaint* naming [these] Defendants.” Dkt. No. 8 at 5. So if Plaintiff wants to name these individuals in his complaint, he must file a new complaint with these individuals named in it. The Court will attach an amended complaint form to this order to help with that process. As a reminder, if Plaintiff chooses to file an amended complaint, it “will replace, no supplement, the original complaint”—so Plaintiff should, in the amended complaint, include all of his allegations and explain how each Defendant harmed him. *See* Dkt. No. 8 at 5.

The deadline for the Court to receive Plaintiff's amended complaint, using the amended complaint form, remains March 23, 2023. *See* Dkt. No. 16. If the Court does *not* receive an amended complaint by that date, it will proceed with Plaintiff's current complaint (which names only the City of New York as a defendant). *See* Dkt. No. 14. If the Court *does* receive an amended complaint by that date, it will proceed with Plaintiff's amended complaint, with the defendants being

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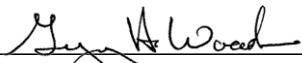
those Plaintiff names in his amended complaint.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to attach an amended complaint form to this order and to mail both this order and the amended complaint form to Plaintiff.

SO ORDERED.

Dated: February 22, 2023
New York, New York



GREGORY H. WOODS
United States District Judge